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P-6028U1-1-1-C1

REMARKS

Reconsideration of the present application and entry of the amendment are respectfully requested. Claims 1 to 36 are currently pending, and no claims have been amended.

The Office Action mailed March 25, 2004 addressed claims 1 to 36. Claims 1 to 36 were rejected.

The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter. The Examiner stated that correction of the following was required: claims 2, 4 and 29, the difference between the Shore D hardness of the inner and outer cover layers, and claim 1, the Shore D hardness of the inner cover layer of 58 or more.

Applicants respectfully submit that the specification does provide proper antecedent basis. Regarding the Shore D hardness of the inner cover layer of 58 or more (claim 1), support for this limitation may be found in the specification at page 22, lines 7 to 9. Regarding the difference between the Shore D hardness of the inner and outer cover layers of at least 8, support for this limitation may be found in the specification at page 44, lines 16 to 18 where the inner cover layer is disclosed as 65 or more and at page 57, lines 11 to 12, where the outer cover layer is 57 or less, providing a difference in Shore D hardness of at least 8 (claims 2 and 29). Regarding the difference between the Shore D hardness of the inner and outer cover layers of at least 11, support for this limitation may be found in the claims in the parent patent, for example, claim 26, where the inner cover is 68 or more and the outer cover is 57 or less (a difference of 11), as well as in claims 1 and 5 of the present application, where the inner cover layer is 58 or more and the outer cover layer is 47 or less, providing a difference of at least 11 (claim 4).

Applicants respectfully submit that the objections to the specification have been overcome. Applicants therefore respectfully request that the objections to the specification be reconsidered and withdrawn.

Claims 1 to 36 were rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 47, 1 to 48, 1

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to 47 and 26 to 47 of U.S. Patent Nos. 6,612,941, 6,431,999, 6,616,551 and 6,458,047, respectively. The Examiner stated that although the conflicting claims are not identical, they are not patentably distinct from each other because the present invention is obvious over the patents because the property ranges overlap the claimed properties of the present invention.

Although Applicants respectfully disagree with the Examiner, in an effort to hasten prosecution, Applicants herein submit a Terminal Disclaimer which disclaims the terminal portion of any patent granting from the instant application, as required under MPEP § 1490. Applicants respectfully submit that this overcomes the rejection.

Claims 1 to 36 were provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1 to 24 of copending U.S. Patent Application Serial No. 10/618,412. The Examiner stated that although the conflicting claims are not identical, they are not patentably distinct from each other because the present invention is obvious over the '412 application because the property ranges overlap the claimed properties of the present invention.

Although Applicants respectfully disagree with the Examiner, in an effort to hasten prosecution, Applicants herein submit a Terminal Disclaimer which disclaims the terminal portion of any patent granting from the instant application, as required under MPEP § 1490. Applicants respectfully submit that this overcomes the rejection.

The Examiner is invited to telephone Applicants' attorney if it is deemed that a telephone conversation will hasten prosecution of the application.

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CONCLUSION

Applicants respectfully request reconsideration and allowance of each of the presently rejected claims, claims 1 to 36. Applicants respectfully request allowance of claims 1 to 36, the claims currently pending.

Respectfully submitted,

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